

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HUNTERS CAPITAL, LLC et al.,

Plaintiffs,

v.

CITY OF SEATTLE,

Defendant.

Case No. 20-cv-00983 TSZ

DECLARATION OF KRISTIN BALLINGER

I, Kristin Ballinger, declare as follows:

1. I am one of the attorneys representing the City of Seattle in this action. I am over age 18, competent to be a witness, and making this declaration based on facts within my own personal knowledge.

2. Attached as **Exhibit 1** is a true and correct copy of excerpts from the plaintiffs' fourth set of requests for production to the City, which were served on November 8, 2021. Red boxes have been placed around the requests for which the City seeks a protective order.

3. Attached as **Exhibit 2** is a true and correct copy of excerpts from the City's responses to the plaintiffs' first set of discovery, served by the City on October 30, 2020. Red boxes have been placed around the language referred to in the motion.

1 4. Attached as **Exhibit 3** is a true and correct copy of the parties' ESI Agreement. *See*  
2 LCR 26(f)(3).

3 5. On behalf of the City, I engaged in a good faith meet and confer conference with  
4 counsel for the plaintiffs in an effort to resolve the dispute without court action. The conference  
5 occurred by an audio- and video-conferencing link via Teams on Monday, November 15, 2021. I  
6 participated on behalf of the City (our associate, Ashley Burman, also attended) and Tyler Weaver  
7 and Gabriel Reilly-Bates participated on behalf of the plaintiffs. *See* LCR 26(c).

8 6. To the extent the requests at issue also relate to City action or inaction in June 2020,  
9 responsive documents already have been produced.

10 7. The City's spent more than \$300,000 collecting, reviewing, and producing more  
11 than one hundred thousand pages of documents responsive to the plaintiffs' initial requests for  
12 production. This sum excludes the cost of extensive efforts to redress the inadvertent loss of text  
13 messages during the same time period.

14 8. The City anticipates that collecting, reviewing, and producing documents  
15 responsive to the new requests (which concern 6- to 16-month periods) will cost some multiple of  
16 the \$300,000 costs incurred collecting, reviewing, and producing documents responsive to the  
17 plaintiffs' initial requests (which concerned a five-week period).

18 9. Attached as **Exhibit 4** and **Exhibit 5** are true and correct excerpts from depositions  
19 taken in this action. The redactions to Exhibit 5 were made to comply with the plaintiffs'  
20 designation of that testimony as confidential under the parties' protective order.

21 I swear under the penalty of perjury under the laws of the United States that the foregoing  
22 is true and correct.

23 DATED this 18th day of November, 2021, at Seattle, Washington.

24 s/ Kristin E. Ballinger  
25 KRISTIN E. BALLINGER